

F.3d 312, 319 (4th Cir. 2006).

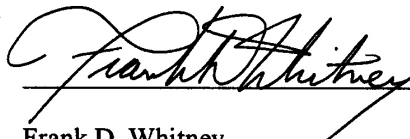
Petitioner is further advised that the Court may take judicial notice of matters of public record, and may consider documents attached to the Motion to Vacate as well as those attached to the Rule 12(b)(6) motion to dismiss, so long as those documents “are integral to the complaint and authentic.” Philips, supra, at 180 (citing Blankenship v. Manchin, 471 F.3d 523, 526 n.1 (4th Cir. 2006)). Petitioner is advised, however, that if he chooses to file documents, affidavits, or declarations in opposition to Respondent’s 12(b)(6) motion, such action may result in the conversion of Respondent’s motion into a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. Fed. R.Civ. P. 12(d).

IT IS, THEREFORE, ORDERED that Petitioner shall have thirty (30) days from the entry of this Order to file his response to the motion for judgment on the pleadings (Doc. No. 8).

Petitioner’s failure to respond may result in the Court granting the relief sought by Respondent, that is, in the dismissal of the Motion to Vacate.

The Clerk of Court is directed to send copies of this Order and Notice to the parties.

Signed: April 6, 2012



Frank D. Whitney
United States District Judge

